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CLANDESTINE AMERICA



THE WASHINGTON NEWSLETTER OF THE

ASSASSINATION
INFORMATION
BUREAU

Nov-Dec 1978/Jan-Feb 1979

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Vol.2 No.5

"This is the Age of Investigation, and every citizen must investigate." — Ed Sanders

REFLECTIONS ON THE ASSASSINATION HEARINGS

There has been an immense surge of activity around the assassination question during the past several months, mostly owing to the HSCA public hearings which opened on August 14 and closed on December 12. This high level of activity is reflected in this current issue of *Clandestine America*, our first double issue. We have been running at six or eight pages. Last issue we strained and went to ten. This month we have gone to 14 pages because of the length and importance of the material we have to present. And the printing and manpower burden this puts on us forces us to call it a double issue and promise to see you next April, when we will publish a detailed account of the HSCA's "Findings and Recommendations" report to be released on January 2. Chairman Louis Stokes informs also that "arrangements are being made to publish in early 1979 the committee's investigative summaries, the public hearing transcripts and reports by scientific projects and consultants. . . ."

"History itself marched before us," said Stokes in his concluding statement on December 12. He reviewed the stormy days of the 1960s and how they had passed before us in review in the amazing parade of witnesses before the committee—"a former U.S. president, a foreign head of state, a former governor of Texas, federal officials including two former attorney generals, Dallas and Memphis police officers, an underworld boss, a professional boss, a professional gambler, young men from the ghetto, a woman with a laundry ticket, a man with an umbrella, and murderers, one convicted, others only suspected."

The interviews Jeff Goldberg conducted for this issue with some of the more active critics turned out to be an important document, we thought. Better than our words alone could tell, these interviews reveal the range and complexity of the material dealt with by this committee and the difficulty one must have in forming final judgments as to its real meaning.

The behavior of the media deserves special comment. It may be true, as a recent Harris poll showed, that 80% of us now disbelieve the Warren no-conspiracy finding, but among Washington media people, that proportion is pretty well reversed. Who knows why, but media people insulate themselves from this material and refuse to reflect on its implications. Of course, some of them are also human, and extended encounter with the evidence will have an educative effect. They will start to come around—then run into the wall. One sad anecdote from the hearings will illustrate.

A reporter for one of the big outlets chanced one day to be the only one of the major media people at the hearings to get the real point of what had happened that day. Chairman Stokes had presented a major blast at the FBI and raised the question of FBI co-responsibility in King's death. It was a dramatic moment.

Stokes is a fine speaker, he cared a lot about what he was saying, and his statement was well conceived and written. The reporter who picked up on it had caught a strong story, clearly the lead of the day. And all the other majors missed it.

The reporter came in the hearing room smoldering the next day, slouched to his place muttering darkly about getting chewed out by his boss. Chewed out? For what? For that story about Stokes' speech on the FBI, he said. But that was a great story, nobody else got it. That's the point, he said. Why? Because my bosses say that if the rest of the press didn't get it, too, it must not have happened, and it looks bad when one of us says something so different from the rest.

What an educational exchange! One had heard things about "scoops" and journalistic courage, and now it turned out that the real key to success in the big time was something else. You had to know how to run with the pack, because what the "news" actually was, boiled down, was the collective opinion of this same pack. If the pack thinks JFK was killed by a lone nut, then anybody who thinks something else must be another one.

How often on the lecture circuit in the old days the Warren critic would hear someone say that if any of these doubts were actually valid, and if there was anything at all to the monstrous idea that the president was killed by a conspiracy, then surely by now our bright, ambitious people of the media would already have found out all about it and won Pulitzers, like Woodward and Bernstein. ~~Since there are no Woodward and Bernstein of the JFK assassination issue—and no Pulitzers—there must actually be no issue.~~

All ye who have ever thought that particular thought, take heed and ponder this tale of the bright, ambitious reporter who got rebuked for his scoop, while the ones with the blandest and emptiest impressions of what happened that day in the hearing room cruised on through their career-week without a ripple. ~~Pack-journalism is, to our mind, a very special problem in the conspiracy cases because pack journalists are so timid and vicious.~~

As the interviews below make clear, there are many faults to find with the HSCA's hearings. But their performance was a hundred times in front of the mainstream media in terms of curiosity, investigative vigor, and courage to face tough possibilities.

If the press had reported each day on the actual contributions the committee was making instead of constantly blunting everything that said conspiracy and overplaying everything that said relax, then the 80% of us who today sense conspiracy in the JFK death would be not only more numerous, but also more aroused and more insistent that the whole truth be found. The committee told us that Oswald was hanging out around Carlos Marcello at the very time Marcello was threatening JFK's life, and the press hardly blinked. The Committee told us it did not think Ruby got in to shoot Oswald the way Warren said but may have had help from the police in getting in, and the press sat on its pencils as though the story meant nothing. The Committee ran out a never-before-heard acoustic tape in evidence, an actual recording

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any of the other figures on the Warren Commission. I thought Ford, McCoy, and Cooper were really quite authentic. AIB: Do you believe in the four-shot audio tape's authenticity? MEAGHER: I have great difficulty with it because it just doesn't line up with the Zapruder film. If I would have no hesitation in accepting it. But every way I measure the timing of the shots and the intervals between the shots, translated into the Zapruder film it gives me a consistency and an incoherence. I just don't know if it's authentic. It may be a misinterpreted tape. I certainly at first glance felt misled by the findings, because they were consistent with most of the other evidence that we've argued. That there were shots that were from at least two, if not more, directions. That the intervals between the shots were extremely tiny, at least between the first and second shots. That the single-bullet theory was simply untenable. So, hearing these findings, at first I said, "Gee, that's simply marvelous, that confirms what we've always said." But when you translate that Zapruder frame 313 at the one absolutely fixed point of firing, and you reconstruct the shooting on the basis of a specific shot at 313 followed as preceded by only one-half second by another shot from the grassy knoll, and then you work your way back towards the shot that hit Connally, it does not come out at all around frame 228, which I should, in my opinion, since I find absolutely irresistible the conclusion that Connally was hit around 228. So I have difficulties with it.

(2) AIB: What were the HSCA's findings? MEAGHER: I was appalled by the very cursory interrogation of Dr. Humes. I think that's the single most scandalous and outrageous element. Now I say this subject to seeing the full documentation and the full report in due course. It may be that in executive sessions or depositions that haven't yet been made available to us, that the Committee made the exhaustive evaluation of all of the autopsy and medical evidence that needs to be done. But to my mind the cursory hearing of Dr. Humes and the very few questions put to him raised enormous suspicion. I thought that although they did give Marina Oswald Porter some difficult moments they were generally rather soft on her, and they did not really challenge her testimony. I think that on such matters as the allegations regarding the Walker shooting and the so-called attempt on Nixon, and they never all at once faced her with the inconsistencies and changes in past testimony. Especially with the very important matter of how she obtained the Hasty license number, which I explained in my book was literally impossible. That was a serious omission.

I am waiting for the documentation, without which any interpretations are purely speculative by the fact that the Committee, just like the Warren Commission, had its friendly and unfriendly versions. Something that truly has no place in an objective, impartial investigation. (3) AIB: What had you expected from the Committee? MEAGHER: When I was in Washington in September of 1977 with a number of fellow critics, I told all of them that this was going to be a great disappointment to us, that it was going to be a new Warren Commission, slightly more sophisticated, more careful, but essentially it would be a Warren Commission. AIB: What were the telltale signs? MEAGHER: It was mainly a tentative conclusion. Just the feel of the thing, because, as you probably know from the other critics who were present, Blakely gave absolutely nothing away. He simply put questions that we all understood and the questions and exposed our views. He in turn and the other members of the staff gave us no clue whatsoever to their thinking. So, I would have to say it was simply an intuitive but very strong impression, that this group was not going to do the job that was needed to be done. Though they have done a job that at first glance, I must say, is going to be found very impressive, by those who have always supported the Warren Report anyway. (4) AIB: What are your future plans for research on the JFK case? MEAGHER: I intend to acquire the report of the Commission and all of its supporting volumes, hearings and exhibits, as I did with

New York Times, CBS, and the other major news media are all going to report their findings. They are going to have to draw out all of the adjectives they used in the fall of 1964 when they greeted the Warren Report, which they called "the rock of Gibraltar" of all investigations. I think that they will have proven quite wrong about that, and I think that we're going to have a repeat of this whole process of the news media giving great headlines to the Warren Commission, disparaging the critics, and then afraid that some of the other major news outlets a certain amount of ammunition.

(5) AIB: What went wrong, was it doomed from the start? MEAGHER: In my opinion it was. The government cannot investigate itself. The thing that is most wrong with it is that there was no counsel for the defense of Oswald. I have stressed this all along. You cannot reach any final conclusion about this case without a real adversary procedure.

(6) AIB: Compare Sprague and his team with Blakely's team. MEAGHER: I was out of the country during that whole period with Sprague and his difficulties and his ultimate resignation and I guess I never fully caught up with what was going on at that time. My general suspicion is that Sprague was aggressive, tough, and inclined to share the views of the critics and hence had to be gotten rid of for that reason. And nobody can say that of Mr. Blakely. In fact, I think Blakely should get the J. Lee Rankin Award of meritorious service.

(7) AIB: Will the JFK issue now be relegated, as Rep. Prewer has stated on Face The Nation, to the status of a historical question? MEAGHER: It's my opinion that that's impossible. I think that the visceral feelings of the American people are not going to be removed by this great array of scientific evidence which they've rallied so greatly. Because the American public seems to have a gut feeling that this story simply is not tenable. And no matter how many experts they bring to bear, the fact is that very few findings of the experts really have been conclusive or final. They have almost always been findings reached by majority vote of the various panels, except in the case of Cyril Wecht. All of the findings seem to be based on probabilities with huge margins of error. And this is not the case of the assassination of Dr. King, which they've investigated. It may quit things for a while, but not for very long.

I intend to me that the Committee, if it exhibits any credibility, must publish all of its supporting testimony, deposition, documents, photographs, and exhibits. Much more thoroughly than the Warren Commission did. That's the only best on which a sound evaluation can be made of what they've done. And I suppose on that basis some writing will be done by the AIB. I think that the report, as organized groups, such as the AIB, will continue to press forward to examine questions to keep the issue alive. Because I feel sure that a very few critics, if any, are going to be inclined to accept the findings of the Committee, which seems to me at this moment are going to be essentially the same as the findings of the Warren Commission and which people rarely read. I'm also not really satisfied with the shoddy and unscientific way in which some arguments and evidence adduced by the critics have been dismissed by the Committee. For example, the criticism of the most important testimony of the Manchester-Ciriano for a left handed person. Instead of getting the original gumprint from the Anderson Proving Ground to explain what he meant. In making the report that the sooper was mounted as if for a left-handed person, they simply had an expert of their own say there was no such thing. Well, this really doesn't satisfy me, as the person who raised the point. Not at all. And if this is the manner by which they are going to dispose of questions raised by the critics, I simply won't be satisfied with what they've done.

(8) AIB: What are your future plans for research on the JFK case? MEAGHER: I intend to acquire the report of the Commission and all of its supporting volumes, hearings and exhibits, as I did with

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examined the results of neutron activation analysis of pyrofin casts made by the Dallas Police of Oswald in January 1964.

AIB: If we assume for argument's sake that he lived about these dates, then what does this imply? WEISBERG: Then why don't you assume that he lies under other occasions? Without going into motivation, a man who would be about moving things like this, and these are essentially minor, is a totally undependable man. Now, he lied about how the test results were made available. And as far as he lied, in each case, I mean he had personal knowledge, which indicates he was not telling the truth. I'm not talking about accidental error.

I don't know why he lied. It doesn't make much difference. If the man is untruthful on relatively insignificant things like this, how can you take his word for anything? Especially when you consider that he did not meet his obligations as an expert witness, one who is previously trained in 50 court procedures.

Dr. Guinn also said that the fragment specimens he examined did not meet the description of the official specimens. And this of course should have raised the most substantial questions, which the Committee did not pursue.

(3) AIB: What had you expected from the HSCA investigation? WEISBERG: I expected worse than what we got. AIB: What did you do to make it not so bad? WEISBERG: What made it not so bad was the Committee's incompetence and their arrogance. And they made stupid mistakes. They opened on totally unscientific acceptance. I'm hopeful they won't repeat it. They were careless in not checking prior public sources.

The main Committee formula was to put down those they call critics, and they lumped everybody together. From the insane asylum to the Federal courts, anybody who had any question about the Warren Commission or the King assassination is a nut. The fact is that except for fabrication, and the Committee had a specialty for fabrication, there is nothing of substance that came to light for which the Committee is not indebted to some critics.

(4) AIB: Was this investigation doomed from the start? WEISBERG: First of all, I never believed it should be a select committee. The Commission should call the people who were influential in the Congress were trying to influence with the greatest misinformation. There was rampant paranoia. It was utterly impossible. I don't think they began the Committee. What they were going to do when they found out all of that stuff was just nonsense.

They had very few choices. They could start from scratch and overhaul everything they had done, which very few political people have the integrity and the courage to do, or they could do what they did do. Conduct another covering-up and whitewash, for the most part, in the false context of putting most of the critics out. I forecast everything that was going to happen at a New York University Law School speech in April of 1975.

It was wrong to have a prosecutor in charge of such an investigation. The members of the Committee themselves were untrained for the job. But the staff does the work anyway. And the staff is controlled by the chief counsel. It is an unusual committee that couldn't care less to cope with a determined chief counsel. Most prosecutors are gung-ho for getting a conviction and they wouldn't care less about putting innocent people in jail, because they live by doing that. They always know that instead of seeing to it that justice is done, their political survival, their success, depends on injustice. The jails are full of men who should never have been tried.

Now when you put a prosecutor in charge of a case like this, where basically the only possible legislative handle the Committee had was an investigation into the executive agencies that were involved, you have a prosecutor in effect controlling himself. Because these are the kind of people with whom he spent all of his life. The FBI, CIA, people like that. Now there's just no

chance that either a Richard Sprague or a Robert Blakely was out to do this.

(5) AIB: Was there a difference in the Sprague and Blakely approaches and the results? WEISBERG: The difference in the Sprague team and the Blakely team is the difference in the style and characters of the two men. We would not have gotten different results. If you look at their first report, you will find that the preconceptions under Sprague are there. Based on my own dealing with Sprague, I was certain from the first that what we now have would have had only with the Sprague style and with special fear. Otherwise, no differences. The difference would have been superficial.

(6) AIB: Will the JFK issue now be relegated, as Rep. Prewer has stated on Face The Nation, to the status of a historical question? WEISBERG: No chance. First of all, I think it's entirely improper for Rep. Prewer to say that. I think the Committee knows entirely well that it can't answer the questions; therefore, the people should never be satisfied. The assassination of a president is the most substantive of all crimes. It nullifies an entire system of society. The Committee has no right to investigate murders. The Committee has a right to investigate how the agencies of the federal government worked. It hasn't even conducted a pro-forma investigation of that. So why should anybody be satisfied with what Richardson Preyer says or what the Committee says? I think it's a pretty severe self-infliction by Mr. Prewer.

AIB: How will the issue be kept alive politically? WEISBERG: I can't speak for other critics, but I have about 10 Freedom of Information suits pending in two different courts at the district and appeals court levels. Long ago, I decided that in terms of bringing evidence to light, the most promising means was to use the Freedom of Information Act, and I've been using it as extensively as I could.

For example, when I got the January 21 and June 23, 1964, executive session transcripts of the Warren Commission released last October, at my own expense I held a press conference and provided copies and relevant material to go with it to the press. This kind of action can be helpful in keeping the issue alive.

(7) AIB: What future work plans do you have on the JFK issue? WEISBERG: I'm going to continue doing what I have been doing. I'm going to continue to get as much of the withheld information as possible, and I'm going to continue to have it permanently available to all of the people. I think that without this, those of us who are in a position to do something about these malfeasance and nonfeasance by government become party to those offenses that we bring to light.

I've established a public archive at the University of Wisconsin, Stevens Point Branch, pursuant to a request made seven years ago by the Wisconsin Historical Society. I selected the Stevens Point Branch because the outstanding bibliographer in the field, and a man who I came to respect as a very solid professional historian, David Wroble, is at that part of the University of Wisconsin. I have to hope the deposit of my records there and as I can will be sending more. I am preserving all of the records I receive in the exact form in which I receive them from the various agencies. For my own work I make copies. We're talking about 2000 pages I have received in just the last two years, and there will be more.

the Warren Commission. I intend to study it very carefully, and possibly write my own evaluation of their work. I would prefer those younger and able people, and there are a great many second and third generation critics who are at work on the case, and I would prefer that they do it. But if nobody else appears to be doing it I'll try my hand at it.

HAROLD WEISBERG:

(1) AIB: Has any new information been forthcoming from the HSCA's public hearings?

WEISBERG: I think they did nothing right. This was the American equivalent of a show trial. The Commission was set up with preconceptions and did what it could to make them appear to be reasonable. It's an updated version of the Warren Report. AIB: What do you think of the HSCA's four-shot audio tape? Is it authentic?

WEISBERG: I don't really know about the audio tape. I don't know enough about the accuracy of the original reports to evaluate it. I think that the taping had certain preconceptions built in—certain limitations. These raise questions in my mind.

The Dallas Police broadcast on the other channel said that the stack microphone was on Houston Street. It's quite possible that the broadcast on the other channel was inaccurate. I don't know. I don't know of any investigation reported by this Committee to distinguish between the two.

Then there is the allegation that they can't identify which motorcycle it was. This was made without any reference to their having done any questioning. Based on the photo evidence we have, I think it would be child's play to figure out which motorcycle it was. Plus, what everyone forgets, is that there is an accurate listing of all the police assignments that day published by the Warren Commission. Everybody knows who was in the motorcade. And this is totally absent from the Committee's work.

Then you would be left with the question, how does this kind of spring-loaded switch get stuck? And what a remarkable coincidence when it got stuck. I can't see how it got stuck. It would have had to have been a short circuit.

So while I was impressed by some of the details of the scientific tests, I also have questions about them. For example, there is a second part of the test which was done on the photo evidence. Why did they assume the one particular point on the grassy knoll which seems to be to be the least likely as the source of a shot? And why didn't they dig a hole underneath the picket fence where it was repaired and where on the high elevated place there is a sewer inlet? Things of that sort. Now, while I don't think there was a shot fired from the second floor of the Dallas Tax Building, why weren't other buildings behind tested from? Why restrict it only to the Book Depository and then only to that one sixth floor window.

(2) AIB: What mistakes did the HSCA make?

WEISBERG: That's a big question. They never addressed the corpus delicti evidence. This is the body of the case. And you can't take any item of the evidence and separate it from the rest. For example, they didn't check the handwriting of the evidence was remarkably dishonest. And because the press does not include any subject experts, they got away with it. Dr. Baden was a liar. It's that simple. Why did the Committee waste into that expensive new in the medical evidence is laid in Post-Mortem. The four inch error, for example, in the locating of the head wound was in Post-Mortem. The fact that the back record is lower than the Warren Commission said, on the basis of the same evidence that the Committee used, came to light in Post-Mortem. I published it in 1965, and I'm saying they used exactly the same evidence I used, and made a big deal out of it.

Now they take this character Dr. Baden, who must have put God knows how many innocent men in jail from the kind of testimony he gave, and they allow him to testify without question, surely carefully rehearsed testimony, about the damage

to the front of the President's clothing. This is one of the areas in which Baden lied. And I'm using the word on purpose. There's not a chance that he will react and regard this as a defamation and think of suing me.

As an example of the damage to the front of the President's shirt and tie, Baden addressed only one of the two damages, which are arcs and not bullet holes. He said it coincides with the damage to the tie. First of all, when he said the tie is in the knot, and the evidence shows the tie is in the knot, not in the tie itself. So he has no way of knowing. He didn't use any of the existing photographs of the tie before it was unknotted and it is not possible, I simply say, physically totally impossible, for the damage that he identified to one of the two slits in the neckband of the tie to have been caused by a bullet that caused the damage to the tie on the President's tie. And the explanation is very simple. In terms of how the President wore the garments, the damage to the knot in the tie was to the upper left extreme. The damage to the neckband, on the right-hand side of the President's shirt, as it is opened, was below, totally below, the point at which the neckband joins the shirt. This is to say that it was at the diagonally opposite extreme of the knot. Now, there's no question as to what that damage was inflicted. And here again Baden lied. He said he examined all of the evidence. Well, the Warren Commission's own evidence, from the doctor who was in charge at that point, Dr. Charles Carrico, is that the tie and the shirt were out under his direction by two nurses in the emergency room using a scalpel. The damage to the knot of the tie was from the scalpel. In the course of cutting the tie off, it went through the neckband of the shirt, at both garments was held away from the President's neck. It was not cut into him. This is unequivocal. Now Baden's sin is greater, because he is qualified as an expert in this kind of evidence.

AIB: To what do you ascribe his motives?

WEISBERG: Whiteash. Cover-up. Perpetrate the same false story. Without doing this the Committee's work is totally wasted. Obviously, if that damage to the President's tie was not caused by the bullet that caused the damage to the back of the President's body the whole official story, which this Committee was determined from the first to support, is totally untenable.

AIB: Any other areas? What other fragments of bullet found by the FBI on the front of the President's car, on the third floor of the limousine? How many fragments of bullet came from the same bullet, and determining this within reasonable certainty is within scientific capability, then on this basis alone the total official story is false. Now, both fragments, and the copper jacket material, they are identified as Q2 and Q3. Q2 also had core material. Q3 had no lead or material. The expert who testified in front to this Committee, Dr. Vincent Guin, was funded by the Department of Justice to make a study of the use of neutron activation analysis of copper jacket material in criminalistics identification. His work was published in the *Journal of American Sciences*. Now Dr. Guin's conclusion in this work paid for by the Justice Department was that copper jacket material is superior for such purposes. In his work for the Committee, which in all probability did not ask him to examine the copper jacket material, he made no mention of the copper jacket material, not a bit. Dr. Guin's earlier work on copper jacket material is confirmed by a similar study made at approximately the same time and published in the *Journal*. By an expert at Simon Fraser University in Canada and it was funded by the Canadian Ministry of Health.

The Committee didn't ask him about this, but as an expert he was obligated to do this work. An expert who lies himself in a case of this sort to unfair questions becomes a liberate deceiver.

So, bodies which take evidence normally evaluate a man's credibility. Here are some of the areas in which Guin lied. He said he had no knowledge of any neutron activation analysis done before May 1964. In fact, he was in touch with John W. Galt, director of the FBI by telephone on Chicago in January 1964. In fact, he

PAUL HOCH:

(1) AIB: Was any new information developed in the HSCA's hearings?

HOCH: Yes, basically I think the scientific tests they did, provided a lot of generally important new data. Tentatively, until I see the final report, I wouldn't want to say I'm convinced by the weight of it, but I thought the weight of it was quite persuasive. I would like to wait to get into specific yet.

AIB: Is the four-shot police tape authentic?

HOCH: I find it very hard to believe that the Committee and their experts could have gotten the results they did from anything less than an authentic tape. The supposed shots passed through the air screws, they're marked in the time on the tape for the shots. You see the data of the characteristic echo patterns which fit what you would expect from Dealey Plaza. You get three shots which correlate remarkably well with the Zapruder film. The question is why would anyone think it was not authentic.

But I think it's important to find out where that motorcycle was, by very closely examining the photographs to see if you can prove or disprove that there was a motorcycle roughly 120 feet behind the limousine. But the results they got back from the tape look fairly strong, and it would surprise me if they were wrong.

From what I gather the Committee would still like to find a fourth shot. I don't think they will be able to say, "This tape proves that there were only three shots, therefore there was no second gunman." Because it can't be used to prove that.

AIB: What about a fourth shot from the front?

HOCH: It's hard to believe that a shot from the front hit. But I don't trust Dr. Baden quite as much as I trust the experts from Bolt, Barank and Newman. I want to see their report and examine it quite closely.

AIB: You are now willing to believe that only three shots were fired, all from the sixth floor window, and that it may or may not have been Oswald?

HOCH: The first part is certainly now a lot more plausible than it used to be. As to whether it was Oswald, I don't think they added anything to the Warren Commission's case. They must also prove that it's possible to fire the rifle more quickly than the Warren Commission said.

AIB: Anything else in any other area of the investigation?

HOCH: Not really. Not very much. It struck me that outside of the scientific evidence and Judge Griffin's testimony, they didn't have anyone who wanted to tell them a whole lot.

(2) AIB: What were the HSCA's flaws?

HOCH: The thing that bothered me at the time was their failure to press Dr. Humes, their failure to get anywhere with Helms, and generally the lack of attention to what I consider the possibility that Oswald was framed.

There's sort of consensus among the critics that Oswald was framed—pretty systematically. My feeling is that that's a big circumstantial case against Oswald. And either he did it or he was framed. And I think we have our suspicions about the latter that are quite strong, and I suspect the Committee may not deal with them. They're just going to say, "Well, look, here's all the evidence that he did it."

They haven't resolved the whole question of Dallas Police involvement in the assassination. A basic point I think is pursuing the implications of a possible "big" conspiracy back to Dealey Plaza. For them to talk about Ruby and organize crime, but not to talk about how Ruby got into the basement of the DPD in real time, is an omission. I read Seth Kantor's book recently, *Who Was Jack Ruby?* and it seems having DPD Lieutenant Jack Revell talk about how Ruby might have gotten into the basement really isn't getting to the questions Kantor raises—that this was a conspiracy. Kantor names individual police officers that he thinks could have been involved. If they really haven't gone into that, it would be a major flaw.

(3) AIB: What were your hopes for the investigation prior to the hearings?

HOCH: It looked like things were getting better than they had been at the Committee's start. Things had looked very bad in the Committee's early history, and things were looking up, if for no other reason than we weren't getting a lot of public nonsense or a lot of questionable leads being pursued in public. But I really didn't know what to expect.

(4) AIB: What went wrong with the investigation, if anything?

HOCH: I wouldn't want to imply that anything went wrong. I'll pass for now and judge from the final report what went wrong.

(5) AIB: What is your evaluation of the Sprague and Blakey investigations?

HOCH: Sprague felt enough of what he was doing come out so that I thought it was going very badly, but I would not want to see the record. In fact, it struck me that one reason the members would not be too enthusiastic to have the whole record available in the Archives next year is that they have their performance under Sprague to worry about. It could be very embarrassing.

For example, Sprague was saying things about Mexico City that just completely surprised me. He talked about documents I found very hard to believe ever existed. So tentatively, my working hypothesis would be that it was very chaotic under Sprague, that he was going off in all different directions, with very little critical judgement. One of the things I think you could say about Blakey is that he stood talking to people like Mark Lane. Apparently Lane was very happy with Sprague.

I like Blakey. It's a bias. I'm willing to assume good faith by everyone in this whole business. Everyone wants to find the truth and do something else. Find the truth and get organized crime, or find the truth and advance your career, or whatever. So I certainly assume good faith on everyone's part, including Sprague, but even with that qualification I think Blakey's OK.

(6) AIB: Will the issue now be relegated, as Rep. Resper has stated on *Face The Nation*, to the status of a historical question?

HOCH: I think Judge Griffin was right when he testified that the public's interest won't die away anytime in the lifetime of anyone in the hearing room. And I suspect it might die away for the time being. And there may be a certain validity to what Rep. Resper says. There are questions that can't be answered, but they've got a lot to do to convince us that they've done all one can do to answer all the ones that can be answered.

But there may be a little too close to the issue, but I don't think it will go away, and the Committee must realize that if they don't let it all of the evidence out, that makes it much more difficult.

We are entitled to access to the bulk of their evidence. Judge Griffin's position was that everything consistent with human dignity should be made public. I think that's a very good position. The Committee is smart they will realize the importance of hearing something like that from someone on the Warren Commission, so they should be able to have the Justice Department going after a similar mistake by not perceiving the lasting historical interest.

AIB: Do you think there will be a permanent prosecutor set up to investigate these cases?

HOCH: I think the dynamic here is that Blakey is more concerned about having the Justice Department go after organized crime than he is about having the Justice Department going after a Mafia conspiracy in the Kennedy case which may or may not have happened. Whether or not there was an assassination conspiracy, if it comes out, it's an achievement. And if you feel the way he does about organized crime, it's a perfectly legitimate approach.

(7) AIB: What future work will you be doing on this issue?

HOCH: Working on the case materials from the House Committee's release, and from the FBI's case materials. Getting these documents to be gotten, I intend to get them still.

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only questions casting long shadows. But certain matters are now settled. That a cultic intensity animated a law-enforcement agency attack on King, that this attack took the form of conspiratorial and illegal activity led by the FBI, and that this attack coincided with white-trash bounty-seeking against King are all now solidly established facts in the death of King, make of them what we will.

-C.O.

HSCA MLK HEARINGS—Schedule and Witnesses Called

(Here is the complete witness and subject schedule for the August, November, and December King hearings. Each day's subject heading (italicized and in quotes) was assigned by the HSCA.)

August Hearings

14th—"Who Was MLK?"; Witnesses and Exhibits (December, "W & E"); Opening Statements of Reps. Stokes, Fautroy, and Devine; "Narration," "The History of the Civil Rights Movement"; Dr. Ralph Abernathy.

15th—"Medical Evidence"; W & E; Dr. Michael Baden, Chairman of the HSCA medical panel; medical exhibits by Ida Doo, the HSCA medical historian.

16th—"James Earl Ray"; W & E; Gene Johnson, HSCA Deputy Chief Counsel, "Description of the Crime Scene"; James Earl Ray (including a 1½ hour prepared opening statement), accompanied by counsel, Mark Lane.

17th—"James Earl Ray"; cont'd; W & E; James Earl Ray, 18th—"James Earl Ray"; cont'd; W & E; James Earl Ray (henceforth JER); HSCA interview of Alexander Anthony Est, retired Scotland Yard detective; HSCA staff report, "Completion of the Statements of JER" (100 pgs.—DR) 4052-470 (04/27-7); Mrs. Ethel Peters, Piedmont laundry counter-clerk; Coy Dean Cowden, alleged Ray alibi witness; Ernestine Johnson, HSCA staff investigator; re: HSCA interview of Harvey Locke, Lawrence E. McFall and Phillip T. McFall, Memphis Texaco station owner-operators.

November Hearings

9th—"The Admissions of JER"; W & E; Opening statements of Reps. Stokes and Fautroy; Alexander Anthony Est; Narration, "Circumstances of Corroboration"; ("Science"); W & E; Narration, "Science"; HSCA ballistics panel—Monty Lutz, Donald Champagne, John Bates, Jr., Andrew Newquist, Russell Wilhelm and George Wilson.

10th—"Ray's Motives"; W & E; Narration, "Possible Criminal Motives of JER"; Taped HSCA interview with Manuella Acquire Madonna, a HSCA technician in 1967 who knew JER. ("Security Striping"); W & E; Narration, "Official Committee in Memphis"; Edward Redditt, former Memphis detective; Frank Holloman, former Memphis Director of Fire and Safety.

11th—"Security Striping"; cont'd; W & E; Narration, "CB Radio Broadcasts" and "Cutting Down of Trees Behind 4223 South Main Street"; ("Escape and Capture"); W & E; Edward Evans, HSCA Chief Investigator, re: "Aliases"; Narration, "Conspiracy to Silence—JER's Guilty Plea"; Percy Foreman, former attorney for JER; Phil M. Canale, former District Attorney for Shelby County, Tennessee; Dr. McCarthy DeFere, attending physician to JER during his Memphis incarceration.

14th—"Grace Walden"; W & E; William L. Singley, former Memphis Police officer; Dr. David F. Moore, supervising psychiatrist at John Gaston Hospital, Memphis (1968); C. Cleveland Drennon, former Assistant Attorney for Shelby County, who was appointed Grace Walden's guardian (1968); Dr. James R. Van Derburg, superintendent of Western State Mental Hospital (WSMH) (1967-73); Dr. Jack C. Neale, III, superintendent of WSMH (1969-73); 691; Dr. Morris Cohen, superintendent of WSMH (1970-76); HSCA Report of Dr. Roger Peveler, HSCA psychiatric consultant; Duncan Regalado (Memphis attorney) and Mark Lane, current co-guardians of Grace Walden.

15th—"Ray's Finances"; W & E; Edward Evans, HSCA Chief Investigator, "Staff Report—JER's Finances."

17th—"FBI and COINTELPRO"; W & E; Opening statement Rep. Fautroy re: Allegations made by Mark Lane, former US Ambassador to the UN; Brady Tyson, assistant to Andrew Young; Stoney Cooks, executive assistant to Andrew Young; Affairs of Daniel Ellsberg and Rev. James Lawson; Narration, "Security and COINTELPRO"; Arthur Murlough, former Atlanta FBI agent; James Rose, former Atlanta FBI agent; Charles D. Brannan, former chief of the FBI's Internal Security Section of the Domestic Intelligence Division (1968); George C. Moore, former chief of the FBI's Racial Intelligence Section of the DID (1968); HSCA deposition of Theron Runkins, former FBI supervisor of the Racial Intelligence Section (1968); former FBI agent; James Rose, former Atlanta FBI agent; Charles L. Cabbage, founders of the Black Organizing Project of Memphis and former leaders.

20th—"FBI Complicity and the Involvers"; W & E; Marcell McCullough, former undercover Memphis policeman; Gavin Taylor, former member of the Involvers; John B. Cleveland, Charles L. Cabbage, founders of the Black Organizing Project of Memphis and former leaders.

21st—"FBI Field Office and FBI Contact with JER"; W & E; William Lawrence, retired Memphis FBI agent assigned in 1967-68 to the security investigation of MLK; Robert Jensen, retired SAC Memphis (1967-70); Narration, "FBI Contact with JER"; 27th—"FBI"; W & E; Narration, "MURKIN Staff Report"; Cartha De Loach, former FBI Assistant Director (1965-70); Statement by Rep. Stokes.

HSCA Staff Report, "An Analysis of the Performance of the Department of Justice and the FBI"; 28th—"Justice Department"; W & E; Ramsey Clark, Assistant US Attorney General (1957-69); Stephen Palko, Assistant Attorney General of the Civil Rights Division (1967-69).

29th—"Conspiracy Theories"; W & E; Opening Statement of Rep. Stokes; Narration, "Conspiracy Theories—Out of Many, One To Consider"; Russell George Byers, St. Louis mail carrier; 30th—"Jury Ray"; W & E; Judge Murray Randall, former attorney of Russell Byers; Lawrence Weaver, former attorney of Russell Byers; Edward Evans, HSCA Chief Investigator; "Investigative Report: St. Louis Conspiracy"; 30th—"Jury Ray"; W & E; St. J. Ray, brother of JER, accompanied by cousins Florence Kennedy and William Pepper.

December Hearings

1st—"John Ray"; W & E; John Ray, brother of JER, accompanied by counsel James H. Lelar and investigator Harv Corbin; Freddie Phelps, owner of the Memphis Motel, Memphis, Mississippi; Closing Statements of Reps. Fautroy and Stokes.

A NEW FILM OF THE JFK ASSASSINATION

The AIB organized a special screening in Washington last November 26 to show the press selected frames from a new discovered film of the JFK assassination taken by Charles A. Bronson, Robert Groden and Jerry Polioff were present to show the new 8 mm. color film and explain the significance of its indication that the JFK assassination may have had company in the sniper's nest. The film's images are tiny and unclear, but as of our press time, the result of a conclusive enhancement of one of the Bronson frames indicates that, at about 12:23, or 7 minutes before the motorcade arrived in Dallas Plaza, there may have been two men in the alleged Dealey Plaza area who apparently plans to conduct further computer enhancement. If the film holds up in this respect, it will put an end to all single-perspective edited versions of two documents the AIB prepared for distribution at this screening. "The Bronson Film: Where It Came From" goes into the process by which this important new evidence was rediscovered. "Two Figures in the Sniper's Nest?" reviews some of the previous eye-witness testimony indicating that more than one person was in the place where only Oswald was supposed to be at the very moment Kennedy was scheduled to arrive in the plaza.

THE BRONSON FILM: WHERE IT CAME FROM

As the opening two months ago of the House Select Committee's September hearings on the JFK assassination, Chairman Louis Stokes, JFK Subcommittee Chairman Richardson Preyer, and Chief Counsel G. Robert Blakey all spoke confidently of the thoroughness of the investigation whose outlines they were about to present. All the important documents, films, photos and witnesses, they said, had been found and fully examined to the extent that this was the FBI's best MLK, Jr. And especially this was true, they said, in regard to the physical evidence bearing on "the mechanics" of the shooting.

The world may therefore wonder why the Bronson film, possibly the most important new physical evidence to surface since the period of the crime itself, is only now being brought to light. And why the existence of this film should come as such a total jolt to the House Committee and its \$5-million-dollar staff, when the FBI document that led citizen investigators to the Bronson film had been in the Select Committee's possession for over a year.

Here is how the Bronson film reached public awareness. Earlier this year, more than a hundred thousand copies of formerly classified FBI documents on the JFK case were made public as a result of suits brought by Harold Weisberg. Paul Hoch and other critics under the Freedom of Information Act. These documents had reportedly already been made available to the Select Committee.

The sludge of previously unseen raw intelligence data confronted the critical committee with a serious research burden. A few people could not read it all, at least not in the time period of the HSCA's work, and it seems important that any new discoveries be put before the Committee's investigative machinery. Yet the informal committee of assassination scholars and Warren Commission critics had no independent organization capable of coordinating the work of many readers widely separated from one another.

So an informal network of readers was set up in which the first readers identified and pulled all documents that were of any possible interest and passed them on to others for more careful scrutiny.

The document that began the search for the Bronson film was FBI memo 89-43-518, dated November 25, 1963, from SA Milton L. Newsum to SAC, Dallas FBI Field Office, Released

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as a result of Weisberg's FOIA suit, this memo was first spotted and pulled by AIB research associate Robert Ruffalo. Weisberg then sent this and several thousand other such FBI documents to researcher David Lifton in New York, who recorded them and sent them on to Paul Hoch and Jerry Polioff for cataloging and basic organizing. Hoch then forwarded the documents to several downstream readers. The memo in question thus reached Sylvia Meagher in New York, who contacted Jerry Polioff in New York and Mary Farrell in Dallas. This group put the memo in the hands of Dallas Morning News reporter Est Goltz. Goltz found Bronson in Ada, Oklahoma, got the film, and took it for analysis to Robert Groden in New York.

Except for newsmen Goltz and HSCA consultant Groden, none of those responsible for its discovery is publicly acknowledged. From Weisberg to Ruffalo to Lifton to Hoch to Meagher to Polioff to Ferrell, each is an independent citizen who does the work because of a belief in the importance of the issue and a concern for the country's welfare.

As will unfold over the next few months, more vital new information on the president's assassination is yet to come out. The Bronson film is not the last sensation. Indeed the whole case may indeed now be in the early stages of a full-blown eruption. The consequences of such an eruption are hard now to predict, mainly because so much will depend on the attitudes of those in a position to help or to obstruct the continuing investigation. They alone can decide whether or not the continuing effort to expose the conspiracy responsible for the president's death will be carried out by a broad national front of interests uniting in a cause of simple truth and justice, or whether on the contrary, as it is still the case, serious investigation will remain the task of a small group of independent citizen critics who must still fight tooth and nail for every new piece of information. If we cannot solve the mystery of the president's murder a task for the government as well as for the people, instead of a task in which this too are set against each other, then the searching out of the truth could be a healthy national venture. If we cannot, and if the JFK case continues to reflect a smaller civil war, then the coming home of the truth will only bring us greater pain.

TWO FIGURES IN THE SNIPER'S NEST?

The newly discovered Charles Bronson film of the JFK assassination indicates that a second person may have been present in the 6th-floor nest of the "lonely assassin." This obliges us to review again this evidence in some tentative detail. Weisberg's memo, however, and rejected by it, then "to support this indication.

A Carolyn Walther—Mrs. Walther told the FBI that she saw two men in the southeast corner window of an upper floor of the Depository a few minutes before the motorcade arrived. She said one of them was holding a rifle and pointing it at the street below. She thought the man with the rifle was a guard. She said he was wearing a white shirt and had blond or light hair. Walther said she saw a second man to the left of the rifleman, partly obscured, wearing a brown suit coat. (Commission Exhibit 208B). Mrs. Walther was interviewed by the Warren Commission. She was not interviewed by the Select Committee.

S. Arnold Rowland—Rowland was interviewed with his wife at the west entrance of the Dallas County Records Building on Houston Street, about 150 feet from the Depository. At 12:15 by the Hertz clock on the Depository roof, he saw a man standing about 3 to 5 feet back inside the window at the southwest corner of the Depository on the 6th floor. Rowland said he saw he was holding a scope-lighted rifle in the port-arm position. He said he also saw at the same time a second man, "a Negro," having against the ledge of the southeast window (2H 170). Rowland assumed the armed man was a security guard. The rifleman shortly disappeared from view and Rowland did not see him

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again. The "Negro" man stayed there until 5 or 6 minutes before the assassination.

Rowland's observations were so challenging to the Warren Commission's basic conception of the case against Oswald that it devoted two pages of the *Report* (WR 251-52) to discrediting him. The main point the Commission makes against him is that he did not mention the second man until March 1964, when he testified before them. But Rowland insists that he told the FBI about the second man when he was interviewed by them the day after the assassination. He says the FBI told him to forget it (2H 183-85).

Rowland's claim is supported by the testimony of Deputy Sheriff Roger Craig, who told the Warren Commission that Rowland had immediately sought out the authorities to tell them he had seen two men on the 6th floor (16H 953).

Rowland's claim is even backed up by the Commission itself. On page 251 the *Report* says Rowland failed to mention the second man until March. Nevertheless, two paragraphs later, it quotes Deputy Sheriff Craig's claim that "about 10 minutes after the assassination" Rowland told him "he saw two men on the sixth floor of the Book Depository Building over there," and that one of them had a rifle with a telescopic sight (WR 251).

C. Lillian Mooneyham—Mrs. Mooneyham was interviewed by the FBI on January 8, 1964. She told the FBI she watched the JFK motorcade from the courthouse across from the Depository. She said that "4½ to 5 minutes following the shots [. . .] she looked up towards the 6th floor of the TSBD and observed the figure of a man standing in the 6th floor window behind some cardboard boxes," standing back from the window and "looking out" (24H 531). A Dallas policeman, M.L. Baker, encountered Oswald in the lunchroom on the second floor of the Depository only 90 seconds after the shots were fired. The man seen by Mooneyham "4½ to 5 minutes" after the shooting therefore could not have been Oswald. (Note: The sniper's nest was not discovered by the police until about 40 minutes after the shooting).

D. Dillard and Powell Photographs—Dr. Bob R. Hunt, photo-enhancement expert of the University of Arizona, reported the findings of the HSCA's photographic panel with reference to two

photos taken right after the shooting (September 25, 1978). Press photographer Tom Dillard (HSCA Exhibit JFK F-153) took his photo seconds after the final shot, after the alleged rifleman had already fled the window. The Powell photo was taken some two to three minutes later. (Both photos show the face of the Depository). Dr. Hunt concluded that "somebody or something moved boxes around in that room" in the minutes after the assassination, the same time during which Oswald was encountering Officer Baker and Mrs. Reid on the second floor.

Hunt told the HSCA that the change in the configuration of the boxes visible in the Dillard and Powell photographs gave the appearance of "boxes rising up in between" other boxes in the window, just as if someone, in the moments after the shooting, was setting up the sniper's nest which was to be found by police later.

F. Judge Bert Griffin—Judge Griffin of Cleveland was assistant counsel to the Warren Commission. One of his tasks was to follow the search for fingerprints in the sniper's nest. The Warren Report pretends to be confident of establishing Oswald's fingerprints alone in the nest. But the reality was different, for as Griffin would later complain:

"The investigation of the fingerprints was so inadequate, there could have been a football team up there with Oswald and the Commission would not have discovered it." (Source: Griffin to D. Lifton, taped interview).

RECOMMENDED READING

- 1—"JFK: The Unsolved Murder," *Inquiry*, by Paul Hoch and Jonathan Marshall, 12/25/78; recap of the HSCA hearings.
- 2—"Tink," *New Yorker*, by Calvin Trillin, 11/27/78; a short, current bio on Josiah Thompson, private detective.

SPECIAL DOUBLE—ISSUE

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CLANDESTINE AMERICA



THE WASHINGTON NEWSLETTER OF THE

ASSASSINATION
INFORMATION
BUREAU

Mar-Apr/May-June 1979

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Vol. 3 No. 1

"This is the Age of Investigation, and every citizen must investigate." — Ed Sanders

CONSPIRACY FOUND

The sound of a shot from the grassy knoll has been heard by the House Assassinations Committee since last we met, and the committee has thus been obliged to conclude in its final report that a conspiracy in the JFK assassination was "probable."

The immediate result was shocked, hurt, angry, incredulous outcries from the defenders of the lone-assassin faith, wails of disgust and disbelief from the FBI, a counter-attack through the mass media, and the disintegration of the celebrated "non-partisanship" of the select committee, all the Democrats but one going along with the conspiracy finding, all the Republicans but one dissenting.

But this gets ahead of the story. Our purpose here is to look back on the committee's progress, review the main events that brought it to its last-minute reversal, then take a look beyond to guess what the new situation may be like.

THE SHOT

We heard the pre-echo of the knoll shot, the shock wave of it, as the acoustics people might say, on September 11, the fourth day of the committee's public hearings on JFK. It would be three and a half months more before we would hear the blast itself.

The chandeliered hearing room was expectant that bright September morning. The word was out that this was to be the big day for the outside critics, that we were perhaps even to be vindicated by the testimony that the acoustics expert was scheduled to give.

Certainly the first three days of the hearings had given the critics no comfort. The members gazed down in seeming contentment as their chief counsel, G. Robert Blakey, systematically went after the arguments advanced against the lone-assassin theory by the first-generation critics. Like a prosecutor in a trial, he set about to pull the magic-bullet theory back together, explain away the backwards headsnap, and shrug off the relatively undeformed condition of bullet 399.

To the satisfaction of the media, Blakey was clearly beating the critics back. Maybe now, they thought, the JFK question was at long last about to be shut down.

Then at the end of the third day a new word was out. A major upheaval was now expected.

New acoustics evidence was about to be presented that would turn the whole case around, weighty scientific proof of conspiracy. Where Warren said three shots were fired, the new evidence said four. Where Warren said all shots came from one gunman firing from behind, the new evidence said one of the shots, the third, was fired from the front, from the area of the grassy knoll.

As we are sure our readers know, the physical basis of these conclusions was a Dallas Police Department Dictabelt recording of the gunfire made automatically through an open mike on a DPD motorcycle riding escort in the motorcade about 120 feet behind the limousine.

This acoustical record of the assassination was known to the Warren Commission, but the commission and the FBI were apparently satisfied that it had little evidentiary value. The critics, especially the Texas group led by Penn Jones and the magnificent Mary Ferrell of Dallas, knew there was important and indeed decisive information on this belt, but lacked the financial and technological means to retrieve it. And there the question lay.

Time passed. The debate alternately sputtered and raged, would not be quelled, and then finally in 1976 the House set up the assassinations committee. In 1977, Mary Ferrell informed this committee of the existence of the belt and turned over a copy of it from her archives. With help from a former Dallas Police Department assistant chief, Paul McCaghren, the committee was able to find and procure the original belt, formerly thought lost or destroyed.

The next step was to send the tape out for analysis to the outfit most experienced and competent in this kind of work, the Cambridge, Massachusetts, acoustic laboratory, Bolt, Beranek, & Newman. BB&N had a long list of scientific and technological achievements to its credit, conspicuous among which was the fact federal courts had directed it to testify as an expert witness in two of the major political court cases of our time, the Kent State shootings and the Nixon 18½-minute gap.

The BB&N technical analysis of the DPD belt was reduced finally to two propositions derived from two different kinds of scientific activity. First, BB&N used a matched-filtering process to retrieve the possible sounds of shots from the dictabelt's noise. Second came the analysis of the signals thus identified. This analysis was carried out by means of the detailed acoustical examination of the specific signals isolated in the first step—the "impulses" that might be sounds of gunshots. The method was to reproduce these impulses as waveforms and compare them to the waveforms of rifle and pistol shots recorded on August 20, 1978, by the BB&N project team in Dealey Plaza.

The waveforms are complex patterns that contain a great deal of specific information. The waveform produced by a rifle shot can be distinguished from that of a motorcycle backfire, for example, because the bullet, being a supersonic projectile, produces a distinctive shock wave preceding the blast wave. And a shot fired in Dealey Plaza can be distinguished from shots fired in all other places, because the buildings bounding the plaza and their over-all configuration and physical relationship to each other give the plaza a unique acoustical "fingerprint." If the Dealey Plaza test patterns coincide with the Dictabelt patterns, then the Dictabelt impulses are of shots fired in Dealey Plaza or its exact acoustic replica.

So having found the shots and determined their points of origin, BB&N's chief scientist and project leader, Dr. James A. Barger, was about to tell the committee and the world that the Warren Commission was wrong, that there were two gunmen after all, establishing a presumptive case for conspiracy.



the committee. They have reason, but they should recall that the safe we're up on is old to celebrate our victories as funerals and keep our eyes open.

2. The other side of the same coin, however, is the article over the truth is about to go to new levels of intensity. The article on the committee that Jeff Goldberg and I recently wrote for the Washington Post ("The Mob Kill Kennedy," 2/25/78) provoked a small but measurable reaction from the underberths of New Orleans, wicked city, home of Mafia superhug, Carlos Marcello. The monsters one has long recognized through pure inference thus materialized within our tangible world. It gives one a thrill of dread to behold it.

3. This, I hope, is not to sound too desolately paranoid or self-dramatizing. It is a basic fact of the new situation which critics and critically-minded people should bear in mind.

4. The JFK question bears subtly and powerfully on the situation of presidential politics as we start toward the 1980 elections. We would not protest to know all the ways and buried partnerships of the assassination committee members less in that. The sense here is that the innermost struggle going on in the country, to the extent that such a thing could be represented at all, transcends in the careers of any two public figures, is going on between John Connally and Ted Kennedy. If there is or was an anti-Kennedy conspiracy in the same sense in which there was or is an anti-Castro conspiracy, then its exposure and containment are obviously basic to Kennedy's ability to survive and endure in this struggle. Sooner or later will come the moment of truth.

5. The question of Martin Luther King's murder is not to be slighted. But the link between the assassination of King and the national power struggle underlying King is actually best seen in connection with the Robert Kennedy assassination. That is because King and RFK were equidistant within a few weeks of each other and their deaths were equidistant of a piece with the general context of 1968.

The Kennedy coalition that exploded at Dallas in 1963 was a northern liberal coalition with the conservative Democrats of the north and southeast, straight out of the FDR handbook, liberal north plus conservative south equals certain victory on the polls. If it also equals enormous internal problems.

But RFK's coalition of 1968, which I helpfully included in King and King's constituency was totally destroyed. By 1968 the remnants of the JFK coalition had been destroyed by the rise of the black and the domestic protest movements. Thus, as "Old South" Joe, who resigned, RFK forged a coalition with the "New South" with which King and RFK were assassinated. That is why it makes sense to study King's and RFK's assassinations together. Only in the context of 1968 does it become clear how political the processes of the system of power. When we take the case in the same breath as the JFK, we tend to start feeling in a way that is not the case. This was a study in new relations of power. This was a study in the foreground and better in focus as the revelation of the history of the U.S. 1950s continues to gain ground.

— C.O.

NOTES ON THE DRAFT FINAL REPORT

The committee's final report is not yet published as of our press deadline, and present indications are that the final printed form, with such supplementary technical reports and dissects as may be included, will not be available before the first of May. The AIB has had an opportunity, however, to review the approved draft being circulated to the committee members. Our review was brief, a few hours, and we warn that our notes on the draft, following, are in no way exhaustive. But for conveying the general feel of the report, they may be of some interim interest. The report reads well. The story is inherently fascinating to most eyes, and chief writer Richard Billings has achieved a simple prose that nicely sets off the sometimes difficult material.

JFK —

The first chapter tells the history of the committee. It is no doubt painstaking. The epic shouting matches between Henry Gonzalez, former chairman, and Richard A. Sprague, former chief counsel, are conspicuously avoided. There also seems to be little sense conveyed of the history of the JFK issue. The chapter is less than five thousand words.

The book then breaks into the first of its two primary parts, the JFK case. The second part covers the King investigation. A brief third section sets out the committee's recommendations. In the copy the AIB saw, an opening chapter called "The Kennedy Years" was missing, presumably not yet final-drafted. This was too bad, because the degree of historical sophistication with which the committee represents the Kennedy administration will have much to do with the credibility of its picture of the assassination. In particular, we are eager to see how the committee means to analyze the relationships existing between King and anti-Castro cabal, and Castro.

• A chapter titled "On Conspiracy" follows, some 15 thousand words. It tells us that the committee carried out a "three-pronged investigation of a possible conspiracy to kill Kennedy assassination." The first prong was scientific tests and the analysis of Dealey Plaza witnesses. The second "encompasses" the Warren Commission. The third "encompasses" all the other and their deaths were equidistant of a piece with the general context of 1968.

• The findings of conspiracy, says the draft final, was based on "key factors. First, the Warren Commission's no-conspiracy finding 'cannot be given independent weight' because the commission's investigation into the possibility of a conspiracy was seriously flawed." Second, the Warren Commission "was wrong" about Oswald and Ruby's associations. Third, even though the committee thinks it can definitely cite the CIA, the FBI, the Soviets, the Cubans, and the larger crime syndicate. It also takes care to say that "a more limited conspiracy cannot be ruled out." And fourth, "a second gunman in fact fired at the president."

• That the committee has in mind here, put in the barest possible terms, is a "limited conspiracy" involving Carlos Marcello, Senator Trafficante, Jr., and James Hoffa, but somehow spelt out by Oswald.

• However, the report stresses that the conspiracy proved by the shot should be a small one—Oswald plus one—and that the fact of conspiracy would in that case be of no social significance. If the conspiracy was of small scale, the committee thinks Oswald's motive would have been a "letting one out." This comes in a "conclusion" of 12 thousand words long, laying out the acoustics evidence as presented by

the technical experts Barger, Weiss and Aschkenasy, and taking up the various objections that their testimony has been met with. Bottom of it: "Scientific acoustic evidence establishes a high probability that two gunmen fired at President John F. Kennedy."

• A chapter called "Oswald" (10 thousand words) concludes that Oswald fired three times. The second shot, and the third, above his, Oswald is painted as a true defector to the Soviets, a true pro-Castro leftist, and a mentally disturbed man capable of political assassination.

• The AIB has inserted an aside on this vastly important question of the identity and motive of Oswald. This question gives the Warren people a problem they could not solve, and true to that Oswald is the weakest, most myopic part of its visualization of the crime. The committee simply never seems to have asked: "What if Oswald were really innocent?"

• And it is not a small fault. As we find in a later chapter of the report (below), the committee does in fact realize that Ruby was probably acting on assignment, not impulse, when he killed Oswald. Moreover, the committee appears to realize that if this is truly the case, this "would raise questions of the utmost seriousness regarding the character of the president's murder."

• But the final report abruptly stops short of making these weighty questions explicit. What are they? Would the existence of a Mob plot to kill Oswald not imply that Oswald might have been framed? And since the committee appears to think that Ruby acted as part of a Mob plot to kill Oswald, the question fairly shouts itself: Why did the committee, in spite of indications it might be wrong, continue to insist that Oswald was a participant in the Kennedy assassination?

The last part of the committee's reconstruction of the assassination story, in fact, is the part about Ruby. Light cast upon Ruby is, by reflection, light cast upon Oswald. If we knew why the Mob killed Oswald—if it did—then we would know why Oswald was. The whole Ruby-Sunday side of this case remains relatively underdeveloped because of the immense preponderance of attention given over to Dealey Plaza. The committee's work, however, makes it safe to say that the comprehension of the Oswald murder is now the same as the comprehension of the Kennedy murder. "Who killed JFK?" is the same question as "Who killed JFK?"

The report allows brings this out. It shows us Ruby's syndicate idea and history in awesome paragraphs. We can feel the crescendo of his pre-assassination contacts with some of the most ruthless mob killers in the game, all of whom were close intimates of the very criminals whose hatred of the Kennedy was most intense. The report shows us Ruby, that Sunday morning, coordinating his movements to the killing ground with "assistance" from someone inside the Dallas jail, a quiet way to suggest a finding that the police were corrupted.

• But the report never seems to add it all up. It outlines the Ruby-conspiracy theory delicately and with apparent conviction, but then on the question of what the devil such a thing might mean, it tries to hide behind the narrow little cliché, "questions of the utmost seriousness."

• What questions? The report ought to say that. It ought to say, in many words, "If Ruby hit Oswald for the Mob, then the Mob wanted Oswald dead. Why wide the AIB, who saw Oswald dead, would Oswald was just a bummed-out loner gone on the edge? He just solved his main problem. Why would they want to kill him? And Oswald was not the president's assassin, why, who was he? But the report just budges from a Warren-level line that, whatever else may be revealed, Oswald fired shots at the president. Not to ask too much of this committee, but this obscures does create a major conceptual flaw in the final report. The report indeed suffers needlessly for insinuating sixty three mysterious "questions of the utmost seriousness," only to leave them hanging, unconnected, unresolved, not even posed.

End of digression.

• "Soviet," a short chapter, proves the Russians didn't do it.

• "Anti-Castro Groups," another 10 thousand-word chapter, lays out the history of anti-Kennedy feelings within the anti-Castro groups. Goes into Volcania/Bishop, Alpha 66/44 Gang (Greer, Ferris, Banister, et al.)

• "Gangsters and Assassins" 15 thousand words long, is the longest chapter in the JFK part. It takes up Ruby's associations first, then Oswald's. It shows Oswald's report raises and then dodges the question we chewed on above. Was Ruby "part of a sophisticated plot to murder Oswald?" We fix the question, but, as noted, we think the report badly fails to get into it. However, this chapter does offer a good review summary of Ruby's underworld ties, drawn well into focus, not dismissed as in Warren. Indeed, the committee appears here to be well satisfied that Ruby was a man of the underworld who was acting as such when he killed Oswald. "The committee concluded, moreover," reads the report in a crucial passage, "that Ruby's shooting of Oswald was not a spontaneous act and that it involved at least some elements of premeditation. The committee further concluded that it is highly unlikely that Ruby entered the police basement without assistance."

• Oswald as assassin, implies the committee, was a boy on a man's job. This complicates the theory that he was acting the assassin's role for an organization as serious as the Mob. But the report continues that organized crime carries out "gangland style" killings only when the signature is needed as part of the point. The report cites the counter case of labor writer Victor Riesel, who was blinded by acid in 1955 by "an unreliable drug user" later slain by the syndicate types "who had recruited him into the plot."

• Oswald's possible contacts with the New Orleans underworld are also reviewed here. These include his mother, Marguerite, who may have known certain Marcello businessmen socially; his uncle, Charles Murren, a bookie within the Marcello system; and the associate of Marcello's contact, Nofio Perora, who killed Oswald out of jail when he was arrested as a result of the pamphlet scuffle with Cuban exiles.

• This section concludes with a discussion of Hoffa's internal hatred of the Kennedy's, his closeness to Marcello and Trafficante, and the possibility that he might have been a top member of a Kennedy-assassination conspiracy. The report reveals that Robert Kennedy's initial thoughts upon hearing of his brother's death was that Hoffa might have been involved.

• A six-thousand-word chapter sets out the evidence on the Dallas Service, the FBI and the CIA, and determines they are all innocent.

• A chapter of about the same length narrows the respects in which the governmental agencies failed their security task before the assassination and their investigative task afterwards.

• Separate appendix volumes will contain the reports of the staff panels on forensic pathology, firearms, acoustics, photography, handwriting and fingerprinting, and polygraph analysis, and the staff reports on organized crime, anti-Castro Cubans, and the Novoski case.

KING —

The King assassination has a long introduction (12 thousand words), a 17 thousand-word chapter "Facts," and a 23 thousand-word chapter on the "King plot."

• The committee believes, on the basis of the circumstantial evidence available to it, that there is a likelihood that James Earl Ray assassinated Martin Luther King as a result of a conspiracy.

• The motive, neither "race nor psychology [is] an adequate basis" for [the] role the conspiracy played in King's assassination, nor solely "need for recognition and ego fulfillment." The committee therefore turned to a third possibility: financial reward.

The conspiracy was most elementally, thinks the committee, a conspiracy of the three Ray brothers. "Despite denial of the Ray brothers, the committee is convinced that there was substantially more contact among the brothers than they are willing to concede."

• A major question has always existed as to the source of Ray's rather copious funds, and the committee thinks this source was the previously unadmitted robbery of the Aton Bank in Illinois. "The committee believed, therefore, that the Aton Bank robbery was the primary source of Ray's funding during the 14-month fugitive period."

• Rasol, the mystery figure Ray says guided him around the country, the committee thinks must be a composite of his brothers. "The committee investigation has produced no evidence to corroborate the existence of Rasol. . . . The committee believed that Ray's post-assassination tale of Rasol" was fabricated to conceal contacts with one or both brothers."

• The committee explored the claim that a group of neo-Confederate racist businessmen and criminal operators, through a secret organization called the Southern States Industrial Council, had put a \$50,000 bounty on King's head. Known as the St. Louis conspiracy, this little deal's two leading figures were John Kaufman and John Sutherland, both now dead. "The committee uncovered enough evidence to be convinced that the Russell/Russell allegation [of the St. Louis conspiracy] was essentially truthful. There was in existence, in 1966 or 1967, in St. Louis, a conspiracy actively soliciting the assassination of Dr. King."

• Final conclusions: The King conspiracy investigation "proved frustrating. Only circumstantial evidence was developed. Direct evidence that would connect St. Louis to Memphis [i.e., the Sutherland-Kaufman group to the Ray brothers] was not obtained." Nevertheless, in light of the several alternate routes established by the evidence through which information of the offer could have reached the assassin, the committee believes it was likely that James Earl Ray was aware of the existence of this conspiracy.

"No evidence of a pay-off to Ray or his brothers was found either before or after the assassination," but there were indications that the Sutherland-Kaufman group interacted with the American Independence Party of George Wallace, such that the committee can state: "It was in these campaign activities [of the Wallace party] that the committee found the most likely connection between James Earl Ray and the St. Louis conspiracy."

• In a 14-thousand-word chapter the committee goes into "incalculable allegations" and concludes "that no private organizations or individuals, other than those discussed under Section B [i.e., the St. Louis conspiracy], were involved in the assassination of King. Other groups discussed and dismissed in this section include the KKK, the Minutemen, the National States Rights Party (J.B. Stoner), organized crime in Memphis and New Orleans, and the Claude Powell."

"The last chapter of the King section (10 thousand words) goes into the question of "government complicity." FBI problems are rampant in two areas. First, the FBI's massively documented post-assassination attempts to destroy King's leadership. Second, after the assassination, its refusal to investigate conspiracy leads, restricting its efforts to the search for Ray."

• Separate appendix volumes will contain the reports of the committee's scientific panels on forensic pathology, firearms, fingerprinting, handwriting and fingerprinting, and polygraph analysis, and the staff reports of the FBI investigating "the King assassination." —The James Earl Ray guilty plea, "Ray's trip to New Orleans in December 1967," King assassination witness Charles Stobierski, "The American Nazi Party," and "alleged racial incidents involving James Earl Ray."

— C. O. with J.G.

To our readers:

As you note, this is a double issue, our fattest issue yet at 16 pages. This reflects two conditions. One is that the activity of the assassination-conspiracy debate has been very high and there is much to talk about. The other is that throughout this whole winter and now on into spring, the AIB has been kept functioning by only two people. It has been impossible for us to maintain the daily routine of work—following the hearings, keeping in touch with the committee, with the media, with people on the hill, maintaining our own longer-term research and investigative efforts, keeping the office in shape, answering the mail, trying periodically to raise money—and at the same time put out a newsletter every two months, our normal schedule. Judging from reactions to the double issue we published this past winter, it suits our readers to have less frequent but larger issues, so we decided that since it seems okay with you and makes things much easier for us, we'd leave it for a while on this footing. Unless we hear a flood of vehement objections, your next newsletter will come in August.

We trust that we need remind none of our supporters that we need their support. We have already made that point several times in past issues. It continues to be true, however, and we wonder if a gentle prodding would shake loose a little spare change from those who like the work we've been doing in Washington. We have helped make people of office Washington and the big media take the conspiracy question more seriously and get past the peculiar innuendo that has blocked out this question for polite minds.

The thing is moving and we can use your help.

—The Editors

has reached

HSCA VOLUMES RELEASED

As we go to press the HSCA's printed volumes of hearings and exhibits for both JFK and MLK are being taken up by the Government Printing Office (GPO). These volumes are officially titled: *Hearings Before the Select Committee on Assassinations of the U.S. House of Representatives, Ninety-Fifth Congress, Second Session*.

Although no final details have been set, it appears that all of the Kennedy and King hearings will be out by early April and will run to between 15 and 20 volumes total. This does not include the final reports, investigative summaries, or scientific reports, which will follow by May 1 and total an additional 10 to 15 volumes.

All volumes should be ordered from the following address:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
(202) 775-3030—GPO Congressional office)

The following volumes (with individual serial numbers) have already been released: Vol. 1, #052-070-04768-2, 64.25, MLK-August 14-16; Vol. 2, #052-070-04769-1, 64.25, MLK-August 14-16; Vol. 3, #052-070-04770-1, 64.25, MLK-August 16; Vol. 4, #052-070-04844-1, 64.00, MLK-November 8-10.

MEDIA REACTIONS

Nobody quite expected the mass media to roll over and play itself merely because a few acoustics experts had given the world scientific proof of conspiracy. Old ways had died.

Nonetheless, it has been quite an education to see the editorial boards of the nation go to work on the problem of the JFK acoustic evidence. Following is a compendium of the choicer utterances.

• *The New York Times* (Jan. 7, 1979) leaped directly into a metaphysical language to hit at the use of the word "conspiracy." "To the lay public," the *Times* intoned, as though it were talking to somebody else, "the word is freighted with dark connotations of malice perpetrated by enemies, foreign or political. But two meniacs instead of one 'might be more like it."

• *The Washington Post* (Jan. 6, 1979) was very angry. The conspiracy finding, it roared, "appears to be based solely on scientific, acoustical evidence," and it found that not to its taste. "All that is left is a theory of conspiracy striped of the international or domestic intrigue on which many of the Warren Commission reports have focused. . . . There seems little reason for the Justice Department to use its resources exploring the dead ends and pursuing the cold trails that the committee is presenting in the Kennedy case. . . . Leave the matter where it now rests as one of history's most agonizing unresolved mysteries." Quite an amazing position to take, when you look at it. On one hand, agony, mystery, unresolved. On the other, take two aspirin and try to sleep it off.

• *The Washington Post* columnist, Richard Cohen (Jan. 7, 1979): "This is, a conspiracy between Lee Harvey Oswald and someone like him—Oswald Harvey Lee. Make up a name. It's the name of the same man. He allegedly fired the shot that never hit, if he fired it. If he was there. . . . The fact of the matter is that I no longer know why I believe what I believe." Well put.

• *Newsweek* (Jan. 1, 1979): Conspiracy theory is "seriously lacking." "Many people may question the use of arcane mathematical and computer-technological physical events. . . . We would be more honest to pass a conspiracy judgment stipulating that, in the future, prominent Americans can be assassinated only by deranged individuals acting alone. That would clear the air."

• *The Boston Globe* (Jan. 4, 1979): could not resist the usual dig at the motives of the independent critics who have led the chase so far. "For those who have long propped conspiracy theories—then as though by reflex the *Globe* moved to defuse the implications of the new evidence. "The conspiracies the committee seeks to prove are of a much lower order, involving the private hatreds of private men. Whatever that means."

• *The Chicago Tribune* (Jan. 6, 1979) ruffled. "This is scant value for the time and money spent. . . . We beg to be spared from any more of these 'official investigations' which squander money and produce little but more speculation." The amazing heights to which neo-conspiracy editorialists can soar when pressed by hot evidence is not a spectacle confined to the bigger papers.

• *The Cedar Rapids Gazette* (Jan. 4, 1979), for example, rarely unloaded on the conspiracy finding. The acoustic analysis, it sneered, gave us "no hard goods to see and touch. . . . If Congress has come up with nothing on the Kennedy assassination, as it stands, establishes a plot behind it: no more solidity with saying one was there than someone else's saying there was no conspiracy." It was a good remark, but it was not the only one. It more or less clinched the presence of conspiracy then radar, bits and pictures of something on film establish UFOs as bringing visitors from outer space.

• *The Indianapolis Star* (Jan. 9, 1978) roared, "It's old, reheated stuff. . . . The pointlessness and lack of substance of this outlandishly expensive venture is amateur detective play and

theatrics [sic] measurable in terms of its failure to produce any solid new lead or body of evidence sufficient for so much as one criminal indictment."

• *The Norfolk Virginian-Pilot* (Jan. 4, 1979) also put a very confident tone on to tell its readers: "But after all the hullabaloo by conspiracy entrepreneurs, neither the House Select Committee nor anyone else has unearthed persuasive evidence of far-reaching plots to kill Mr. Kennedy or Dr. King. Those compelled to seek the sinister in high places and law will not be reassured, but, alas, they never are."

• *Denver's Rocky Mountain News* (Jan. 4, 1979) assured its readers that the acoustic question was "based solely on the belated analysis of a fuzzy tape recording that may well be questioned by other experts. . . . The verdict of the Warren Commission stands unshaken in high places and law will not be reassured, but, alas, they never are."

• *The Austin American-Statesman* (Jan. 4, 1979): "Conspiracy buffs don't need supportive evidence to bolster their conclusions. But the majority of the American people is not so credulous as to believe everything it hears, especially on tape."

• *Said the Phoenix Republic* (Jan. 3, 1979): "It was time and money wasted."

• But here and there, twinkling away in the vast night of the media's collective mind, there were points of brilliance, little stars of understanding and elementary intellectual honesty, and one of these was the *Keene (N.H.) Sentinel* of Jan. 25. The *Sentinel* editorialized when the academics refused FBI claims out "that it would be interesting to observe the reaction of those in the media who had been assuring us for 15 years that Oswald had acted alone and that any suspicion to the contrary was the result of a pathological inability to believe that a lone madman could kill a president." The editorial then mentions many of the reactions of "lone-assassin buffs"—a nice turn of phrase, though we have purebred bastards breeding here. We liked that the *Sentinel* had to say:

"If, as a nation, we are disinclined to examine possible conspiracies when our leaders are shot down in the street, perhaps we would be more honest to pass a conspiracy judgment stipulating that, in the future, prominent Americans can be assassinated only by deranged individuals acting alone. That would clear the air."

— J.G. and C.O.

OTHER REACTIONS

(The following is a composite of quotes compiled from press accounts since January 1, 1979.)

• *Marguerite Oswald—*"Lee Oswald's mother"—"the select committee . . . does not work very hard, they are men of integrity, but they made the same mistake as the Warren Commission. My late son Lee Harvey Oswald was framed for the assassination of John F. Kennedy. . . . They are saying in effect that Lee Harvey Oswald was one of the gunmen and I will emphatically say they are wrong. . . . I hope and know the future will vindicate my son entirely. I welcome further investigation and believe it is mandatory."

• *Marine Oswald—*"Your guess about the Committee's conclusion is as good as mine. I've read but no comment on it" and "have not been keeping up with it."
• *James Curry—*(former DPD Chief)—"I don't know who it could make any difference to at all now. . . . I've always said it was possible that there could be a conspiracy. I don't know whether they'd have another big investigation on the latest thing or what."
• *Walter Wade—*(Dallas Diet writer)—"I've always said it was possible that there could be a conspiracy. I don't know whether they'd have another big investigation on the latest thing or what."
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Marcello did it. He has had some past dealings with Marcello (New Orleans crime boss). This source continues: "Fratiano would know such atmospheric things particular to the Mob as how long the planning for the assassination would have taken, what the significance of occurring in Dallas would have been, and what specificity was the extent of the Dallas Police force being on the lake and whose take it was—Giancana's or Marcello's."

The Justice Department is reluctant to answer questions about Fratiano because he is scheduled to testify in several sensitive trials and officials don't want to generate any eye-rattling publicity. However, it should be noted that a high-level Justice Department source is not so optimistic of Fratiano's knowledge of the JFK case. "He obviously knew stuff about Roselli and Giancana," this source said, "but in the context of the Kennedy assassination, no."

Since last spring, the House Assassinations Committee negotiated with Fratiano and his attorneys and the Justice Department for an interview on the JFK assassination. The committee reasoned that if JFK was a Mob hit, since Dallas is west of the Mississippi, Fratiano might have been informed or consulted. The committee was unsuccessful in getting the interview and Dennis Fratiano's lawyers for foot-dragging. The committee didn't have any power to force him to talk to them nor any instruments to offer him; he already has his immunity and was being protected. No interview is possible now, of course, as the committee is officially out of business.

According to Dennis McDonald, Fratiano's current attorney, his client might talk to some future investigation, but only in public and on his terms. He won't talk to investigators in private about what he knows. "I know Mr. Fratiano's view of the details of the previous witnesses in the matter," says McDonald, "and he's quite concerned about meeting with people and divulging the information which he has. His feelings are that following the procedure that the House committee was requesting (intradoor secret meetings) there were two deaths [Roselli and Giancana] and he doesn't want to be a third."

McDonald believes his client has "important" information which he hasn't yet revealed. Does he think Fratiano knows about the Roselli and Giancana deaths? He coughs answers. "Yes, I think he has information." What about Mafia? He has information which should be considered. For example, my understanding of some of the events surrounding the alleged plot against Fidel Castro would lead me to believe that Mr. Fratiano has information that would be important."

If Fratiano does have information that it won't be too easy to come by. Some observers are sure he will use it to the maximum to negotiate the best deal possible with the Justice Department. In other words, Fratiano is looking for a way out of prison term, such as a house, a car, etc. to go along with his new identity and protection. Others think it may be just hype that Fratiano is using to protect a book he is himself trying to write cash in on.

The key to the government's working intelligence on organized crime is Mob informers. Regularly, the FBI has 2,000 organized crime informers. Most of these are peripheral associates of mobsters—businessmen, union officials, relatives, etc. Only a very small number (15 to 20) are the extremely difficult to turn actual members of Mafia families—such as Jimmy Frattano.

From June, 1975 to February, 1977 a major law enforcement problem developed as 23 key informers across the country were murdered in what was termed "the 23 caliber assassinations." The name was given because in most of these killings a .22 caliber pistol was used as the murder weapon. Because the 22 is a strange and seldom-used weapon for Mob hit-men, experts believed it was employed as a deliberate signal from the Mob—was killing your informant.

How did the Mob know who to bump off? The deaths appear to have been the result of blown covers created by lax security

of FBI dates and the leaking of top-secret informers' names through letters to FBI personnel. However, the killings continued even after FBI security was reanalyzed and tightened. Thus, recent articles have charged that the Mob has penetrated the FBI.

The first victim to be killed by a .22 was former Chicago Mob boss Sam Giancana. He was murdered just before he was to testify at the Senate Intelligence Committee about the CIA-Mafia plots.

Frank Bompensiero ("El Bongo"), the one-time boss of the Southern California mob, was killed by a .22 caliber victim in 1977. In 1986, against the threat of a prison sentence, he was turned by the FBI into an informer, and for the next 11 years, he and he was tipped as the most important Mob informer the Bureau had. Jimmy Frattano was Bompensiero's behind-the-scenes West Coast partner. "They were very close, extremely close," says one knowledgeable expert.

The story of Frattano's turning began in Cleveland, a top Cleveland Mob leader bought top-secret information from an FBI clerk in the Cleveland office. The leaked dates exposed key Mob informers, including Daniel Greene and Frank Bompensiero. Danny Greene, an Ohio gambler and loan shark racketeer who had been a three-year FBI informant, was soon after blown apart by a bomb. (Bompensiero had been assassinated in San Diego eight months earlier.) A professional hit-man was arrested and confessed to the Greene murder. He then fingered Frattano as one of the men who had hired him. Frattano was arrested in December, 1977, for Greene's murder. He began to talk to the FBI because they convinced him that the Mob had issued a contract on him for his failure to desert Bompensiero, his West Coast partner, as a longtime informer.

Once Frattano started opening up, he revealed everyone involved in the Greene murder. He also confessed to ordering the murder of Bompensiero and named those who carried out his execution orders. Frattano has already served over a year of a shortened sentence and will be eligible for parole in about five months. (He has served over 18 years in prison for a past 1961 porography trial which is an outgrowth of the Bompensiero murder.) (The government has no jurisdiction in murder cases, so they have gone after those involved by pursuing the porography indictments.) According to Ralph Salerno, former NYPD organized crime investigator and expert consultant to the HSCA, "Frattano was one of those induced for conspiracy to take control of the porography industry. But the underlying, big crime is the death of Frank Bompensiero." The trial began to settle, according to Salerno, "whether Bompensiero was killed because they found out he was an informant or because he was double-crossing somebody in the porography racket. I think it could be either one."

Frattano is to be the government's key witness, but presently the trial date is being pushed, for one, says, "I wouldn't be surprised if I never goes to trial, because I don't think they've got that much of a case." He also said a new guy who put the contract on Bompensiero was also asked to testify. "He is originally from Chicago," Frattano, "Anthony Spilotro," he replied, "was the fellow who was supposed to do it or have it done." He also said that he had not set his cover story up in Las Vegas. He seems to have taken over the function of Roselli—Chicago's man out West. "Do you still want Frattano dead?" "Yeah," says another informant, "if he can do it without a great deal of trouble."

—J.G.

KANTOR ON RUBY

Seh Kantor's *Who Was Jack Ruby?* (Everest House, 1978) provides an excellent summary of Ruby's nefarious associations (with the Dallas police, the FBI, and known mobsters), a serviceable psychological profile of Oswald's slayer, and the fullest account yet of Kantor's own Kalfasque experience as witness to Ruby's activities on November 22. Kantor also claimed to have been and talked to Ruby at Parkland Hospital immediately after the assassination. The Warren Commission said Kantor was wrong. The Socha Committee will say he was right.

The book is boldest in its attempt to answer those greatest of enigmas: How did Ruby enter the DPD on November 22, and how did he fail to build an airtight case. Kantor does conclude that Ruby probably did not enter by the Main Street ramp, but he diverted Office Roy Vaughn (as the Warren Commission claimed), and that there are strong suggestions that Ruby was tipped by a phone call, possibly from Officer Black Harrison.

Harrison had known Ruby for twelve years and to students of the photographic record of Oswald's assassination he is familiar as the man from behind whom Ruby emerges as he changes Oswald.

According to Kantor, "He [Harrison] was one of two officers singled out by the police department to take a five-second look concerning his movements as they could have detected Ruby that morning. The day of the six-lector test, December 13, 1963, the Secret Service then informed the Warren Commission of what the police were saying Harrison had done, but the Commission failed to look into the tip and didn't check out any of Harrison's personal contacts with Ruby over the years."

On the morning of November 24, Harrison and Detective L.D. Miller were at the DeLia Diner, down the block from DPD headquarters. Harrison received a telephone call from an unknown person. Both policemen were reluctant to talk about the call in their interview with Commission Counsel Bert Griffin (who with Leon Huber was in charge of the Ruby investigation). Huber eventually refused initially to be sworn in.

Was Harrison receiving the last minute details on Oswald's murder? Did he then pass this information to Ruby, who received several phone calls at his apartment that morning? Kantor raises these crucial questions but is unable to push them. At the time Ruby received the last phone call it was already general police knowledge that Oswald would be taken to the basement to an armored car. Due to the planned security after he was in the van, Kantor concludes that conspirators would have decided, "Oswald would have to be his before getting into the van."

According to neo-conspiracy defenders, such as Commission lawyer David Black, the coincidence with which Ruby, then sent a Western Union money order at 11:17 that morning and reached the police station a minute and a half, Oswald killed at 11:21, Belin argues that Ruby could have been delayed a few minutes at the Western Union office and would have thus missed Oswald's murder entirely. Therefore, Belin concludes, "Circumstances of this nature are strong proof of the fact that there was no conspiracy to kill Oswald."

As Kantor logically points out, it is another classic example of looking at the JFK case through "lone assassin" glasses. Kantor hints that DPD conspirators who might have been in contact with Ruby, Ruby to be in place by a certain time, and then only when he was there, behind Officer Harrison, did they signal upstairs to bring down the prisoner. Supporting this hypothesis, Kantor also notes the hurried disarray of the basement security preparations at the moment of the signal. When the

ready signal was relayed to Captain Fritz nothing was set down stairs. The transfer car wasn't in position and was blocked in by people and other vehicles, and detectives hadn't roped off reporters and cameras, and so on, where they should have been. Why would Oswald have been brought down into such a security mess?

Bert Griffin now admits to Kantor that the Commission didn't explore these questions properly. "We might not have grasped the connection as we should have. . . [We] never carried on an inquiry into the whole system for protecting Oswald."

BRONSON FILM UPDATE

"The Department of Justice should contract for the examination of a film taken by Charles L. Bronson to determine its significance, if any, to the assassination of President Kennedy."

This was the number one "recommendation for further investigation" that the HSCA made on December 31, 1973 (See *CC*, Nov. December, 1976 for a detailed background report on the Bronson film).

As we go to press the AIB has obtained the "draft" language of the Bronson recommendation which will be in the final report. In addition to the above recommendation the draft copy of the report contains:

"The panel [HSCA photo experts] was unable to discern any figure and it was unable to say conclusively, based on the study it did, whether apparent motion behind the windows on the fifth and sixth floor windows was due to film artifacts or real motion. Nevertheless, because the Bronson film was of a superior quality to the Hughes film that the panel had subjected to computer processing, the panel recommended that similar additional work be done on the Bronson film." The Committee will ask the Justice Department "to contract for the appropriate research to be done to determine what, if any, significance the Bronson film may have to the assassination of the President." (This is apparently a recommendation for a further search for corroborative evidence, i.e., eyewitness testimony, fingerprints, etc. of more than one person on the sixth floor during the assassination.)

Clearly, the question of what the Bronson film does show for a fact is at this moment still open. Last November when the question had been asked, the Committee had found and money left to enhance only one of the 92 frames. The six members of the HSCA's expert photo panel who were hurriedly assembled at the facilities of the Air Force Research Corporation in California to computerize, multicolored, wall-sized video display saw enough to vote 5 to 1 in favor of enhancing all 92 frames by the same means. Only one, the 92nd, could not be enhanced. The panel decided whether or not the images in the windows revealed one, two, or three human figures. It is this 5 to 1 finding on which the Committee based its recommendation (above) to the Justice Department.

"One expert who viewed the film at Aerospace was Robert Setzer, of the Jet Propulsion Laboratory of Pasadena. Setzer thinks the Bronson film may indicate as many as three figures in the sniper's nest. This view supports an earlier contention by HSCA photo consultants out. It is another classic example. In a letter to the Committee's Staff, Setzer wrote: "To my knowledge, this is the only possible evidence of movement behind the two closed windows adjacent to the ball-elevator window."

Setzer said, "Every other photo or movie frame that I can remember shows these windows completely open, possibly due to a combination of dirt and sun glare. It is possible that

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The fourth shot, fired this time again from the Depository, hit the president in the back of the head and came out the front. And the doctors tell me that the cause of death is two gunshot wounds. And I believe them from a medical point of view, but having seen the films and also having seen the autopsy films, my judgment at the moment is that the third shot fired by Lee Harvey Oswald from the Depository killed the president.

Let me comment to you and with you a little bit about the meaning of all of this. It has been one of the most soul shattering experiences that I've ever had. I was, ironically, with Attorney General Kennedy on November the 22nd, 1963, in an organized crime section meeting. We all went home for lunch. He went with Bob Morgenthau out to Hickory Hill, and the president was killed, and the meeting never got back together again.

Consequently, going back to Washington to investigate this was, in a sense, coming back to where I started. Seeing the president in the Zapruder film, for example, with Mrs. Kennedy, you're immediately struck with what a beautiful person he was. So alive. So vibrant. So symbolic of a time and place in the 1960's. And then seeing him dead, as I have, laid out on a slab—and I don't suggest that any of you do—very troublesome.

In a personal sense that is some of what happened to me, but there ought to be broader things that we can say about what happened in Dallas.

We can't rewrite history. We can't bring John Kennedy back. But I can tell you that not one institution of my society served me well in 1963. And I'll be honest with you, the Select Committee on Assassinations probably ought to underline its report and say, "None were covered with glory, including this Committee." As committees of Congress go, its early history is hardly one to be offered as a model. The FBI did not adequately investigate the case. Not as to who shot the president. The basic shooter investigation is superb. They did not investigate adequately the conspiracy. The CIA, what did they do for us? They did not adequately gather information before the assassination. The information they had after the assassination they did not share with the Warren Commission. The Warren Commission itself represented

in many ways the best of our society. The Chief Justice was its chairman, lawyers who are today in all of the major firms in the United States served on that commission, all of them served ably and well. They studied the case as best they could, arrived at their judgments in good faith, and were fundamentally wrong on the conspiracy question. And they made what in my judgment was a serious mistake, they stated their judgment in such a way as they mistrusted the American people. They should have said, "We've done the best we could, we know who shot the president, we're not sure whether others were involved." And then trusted it to the maturity of the American people to accept it as such. They didn't, and let enter our society a kind of poison that has run through the body politic since. We call it Watergate today—a lack of credibility in governmental institutions. There are a lot of young people who have thought this case through who will never trust the government again and feel that they have been lied to.

If there is any message to take out of this case, it ought to be that. Not a hope that somehow we will be able to identify the other assassin on the grassy knoll. After 15 years that's probably unlikely. That there were two assassins there, I believe it, based on conscience, and I think you will too if you see the evidence I saw. And you can see it. It's not something that you have to accept on faith. You can go redo what they did. We'll publish the charts and you can sit down with a hand calculator and refigure it. This is not something that is beyond anyone that has a high school or certainly a freshman college understanding of physics.

But the message we ought to carry away from it can be summed up in two words, "Never again." The next time this happens—and it will happen: one in four of our presidents have been shot at—I hope indeed people will have the courage and integrity to stand up and say, "I will pursue this as far as I can, and if I can't go all the way, because I am human, I will tell people of that." So the lesson I think you should take from it is Santayana's lesson, "Those who will not study the past are doomed to repeat it." I know Shaw comments on that, "That the only thing we learn from history is that we don't learn from history." I have to hope that Shaw is wrong. Thank you.

DOUBLE—ISSUE

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